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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,809	08/23/2001	Robert R. Sneed	MFCP.80325	9609

45809 7590 01/11/2005
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EXAMINER

HO, ANDY

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/935,809

Applicant(s)

SNEAD ET AL.

Examiner

The Thanh Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the amendment filed 8/23/2004.
2. Claims 1-34 have been examined and are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 14-16, 21-23, 30 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall U.S Patent No. 5,974,541.

As to claim 1, Hall teaches a method in a computer system (system 100, Fig. 1) for asynchronously notifying (asynchronous event notification, line 10 column 4) at least one application (GPIB application program, line 18 column 4) of state changes in a removable storage device (events comprise states changes of the GPIB device, line 61 column 6) comprising:

using a device driver (GPIB driver level software operates to enable asynchronous event notification, lines 9-10 column 4), independently (the application does not need to check the status of the GPIB device; the driver automatically notifies the application that the event has occurred, lines 15-21 column 5) polling (automatic serial polling is enabled, line 67 column 7) a device (GPIB device, line 61 column 6)

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associated with the device driver (GPIB driver level software, line 9 column 4) for one or more events corresponding to one or more state changes (events comprise states changes of the GPIB device, line 61 column 6), wherein each event has a change notification (asynchronous event notification, line 10 column 4)

the device driver sending the change notification to the application (the driver automatically notifies the application that the event has occurred, lines 18-19 column 5).

As to claim 2, Hall further teaches the application is a library manager (GPIB libraries, line 31 column 4).

As to claim 3, Hall further teaches the application registering for one or more change notifications desired to be received (the callback function is registered as part of the original GPIB event notification request, lines 20-21 column 5).

As to claim 4, Hall further teaches the change notifications include a globally unique identifier (the notify request includes a unit descriptor which uniquely identifies the GPIB device, lines 50-52 column 2).

As to claim 5, it is a computer-readable medium claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

As to claim 6, it is a computer system claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Hall further teaches a processor (CPU, line 45 column 3), a memory (memory, line 45 column 3), and an operating environment (operating system, line 38 column 15).

As to claims 14-16, they are computer system claims of claims 1 and 3-4, respectively. Therefore, they are rejected for the same reasons as claims 1 and 3-4 above.

As to claim 21, Hall further teaches the device driver comprises a class driver and a device-specific mini driver (GPIB driver level software operates to enable asynchronous event notification, lines 9-10 column 4).

As to claim 22, Hall further teaches the class driver does the polling (GPIB driver level software has traditionally been required to poll a device to determine when an event occurs, lines 29-31 column 2).

As to claim 23, Hall further teaches the class driver provides the change notification (...The GPIB driver level software then invokes the callback function in response to determining that the event has occurred, the invocation of the callback function is performed asynchronously to the GPIB application..., line 65 column 2 to line 2 column 3).

As to claim 30, Hall further teaches the change notification is based on a sense code from the removable storage device (state changes, line 61 column 6).

As to claim 32, it is a method claim of claim 30. Therefore, it is rejected for the same reasons as claim 30 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-13, 17-18, 24-25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall.

As to claim 7, it is a method claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Hall does not explicitly teach initiating a task by a client application to be performed on a device wherein the task resulting in a state change.

However, Hall teaches that the device (GPIB instrument, line 17 column 1), which performs various test and measurement functions, is being controlled by the GPIB software application executes on a computer system (lines 13-24 column 1). The device, under the control of the application, creates events that require service from the system (GPIB events are used to monitor system status or respond to instruments that are requesting service, lines 58-60 column 4). Therefore one of ordinary skill in the art would conclude that the application control the functions of the device by sending commands or tasks to the device, such commands or tasks create event within the device, wherein the events may include a state change (events comprise states. changes of the GPIB device, line 61 column 6).

As to claims 8-9, they are method claims of claims 2-3, respectively. Therefore, they are rejected for the same reasons as claims 2-3 above.

As to claim 10, it is a method claim of claims 4 and 7. Therefore, it is rejected for the same reasons as claims 4 and 7 above.

As to claim 11, it is a method claim of claim 4. Therefore, it is rejected for the same reasons as claim 4 above.

As to claim 12, it is a computer-readable medium claim of claim 7. Therefore, it is rejected for the same reasons as claim 7 above.

As to claim 13, it is a computer system claim of claim 7. Therefore, it is rejected for the same reasons as claim 7 above.

As to claims 17-18 and 24-25, they are computer system claims of claims 7, 9, 21 and 23, respectively. Therefore, they are rejected for the same reasons as claims 7, 9, 21 and 23 above.

As to claim 31, it is a method claim of claim 30. Therefore, it is rejected for the same reasons as claim 30 above.

5. Claims 19-20 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Cafarelli U.S Patent No. 6,697,870.

As to claim 19, Hall does not explicitly teach the polling is done in kernel mode. Cafarelli teaches a system of using a device driver to poll data from devices in kernel mode (line 55 column 4 to line 22 column 5). It would have been obvious to apply the teachings of Cafarelli to the system of Hall because this technique of polling is well known in the art as disclosed by Cafarelli (lines 19-22 column 5). The system of Hall as

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modified by Cafarelli would include using a device driver operated in kernel mode to poll for data from an external device.

As to claim 20, it is a system claim of claim 19. Therefore, it is rejected for the same reasons as claim 19 above.

As to claim 33, Cafarelli further teaches a database (buffer memory 2, Fig. 4) that is updated by a library manager (software process 4, Fig. 4) with an action taken in response to the change notification.

As to claim 34, it is a system claim of claim 33. Therefore, it is rejected for the same reasons as claim 33 above.

6. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall in view of Liu U.S Patent No. 6,341,322.

As to claim 26, Hall does not explicitly teach a second application registers for notifications. Liu teaches a system of notification using a device driver. When an event occurs, the device driver would notify the clients or applications that have registered to receive the notification of the event (lines 48-60 column 15). It would have been obvious to apply the teachings of Liu to the system of Hall because this allows the system to broadcast the event to multiple applications as disclosed by Liu (lines 48-60 column 15).

As to claim 27, Hall further teaches the second application is a client application (clients, line 56 column 15).

As to claims 28-29, they are method of claims 26-27, respectively. Therefore, they are rejected for the same reasons as claims 26-27 above.

Response to Arguments

7. Applicant's arguments filed 8/23/2004 have been fully considered but they are not persuasive.

Applicant argued that in Hall reference, GPIB device is not a removable storage device (Remarks, last three paragraphs page 8). In response, the applicant argued new limitation that was not claimed before. However, this limitation is still met by the cited references as disclosed in the claim rejections above. In Hall reference, the GPIB device 112 (Fig. 1) is separated from the computer system 102 wherein this device contains state change information (lines 56-62 column 6). The reference meets the limitation as claimed.

Applicant argued that there is no motivation to modify Hall reference (Remarks, last two paragraphs page 9 and first paragraph page 10). In response, as clearly discussed in the claim rejection above, it is pointed out in Hall reference that the device is being controlled by the GPIB software application. Such controls are the same as commands or tasks to the device.

Applicant argued that the examiner can not reject claim 10 based on claim 4 (Remarks, middle paragraphs page 10). In response, as clearly pointed in claim 4 rejection above: "a unit descriptor which uniquely identifies the GPIB device" wherein

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claim 10 claims identification of the device. Therefore claim 10 can be rejected based on claim 4.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

TTH
January 5, 2005


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